

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY WALLACE HARRELL,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

No. 1:23-cv-00959-ADA-EPG (SS)

ORDER ADOPTING THE PARTIES'
STIPULATION FOR THE AWARD OF
ATTORNEY'S FEES UNDER THE EQUAL
ACCESS TO JUSTICE ACT

(ECF No. 17)

On June 27, 2023, Plaintiff Gregory Wallace Harrell filed this action seeking review of a final decision of Defendant Kilolo Kijakazi, Acting Commissioner of Social Security. (ECF No. 1.) The Court remanded the matter on October 27, 2023, for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (ECF No. 15.) On October 31, 2023, the Parties filed a stipulation that Plaintiff should be awarded attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), in the amount of \$6,772.22 and no costs under 28 U.S.C. § 1920. (ECF No. 17.)

Accordingly,

1. Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), Plaintiff is awarded attorney's fees in the amount of \$6,772.22;
2. After the issuance of this order, the government shall consider the assignment of the Equal Access to Justice Act attorney's fees to Plaintiff's counsel as follows:

- a. Pursuant to the decision in *Astrue v. Ratliff*, 560 U.S. 586 (2010), any such assignment will depend on whether the attorney's fees are subject to any offset allowed under the United States Department of Treasury's Offset Program;
- b. Fees shall be made payable to Plaintiff, but if the Department of Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of attorney's fees to be made directly to Plaintiff's counsel, Francesco Paulo Benavides;
- c. Whether the payment of attorney's fees is made payable to Plaintiff or to his counsel, the check will be mailed to Plaintiff's counsel's mailing address at:

Francesco Paulo Benavides
Law Offices of Francesco Benavides
1990 N. California Blvd.
Suite 20, PMB 1038
Walnut Creek, CA 94596

IT IS SO ORDERED.

Dated: November 2, 2023


UNITED STATES DISTRICT JUDGE